

APPENDIX 12

**DECISIONS OF THE EXECUTIVE: URGENT DECISIONS
AND DECISIONS NOT IN THE FORWARD PLAN****1. URGENT DECISIONS WHICH MAY BE CONTRARY TO ADOPTED
PLANS AND STRATEGIES (INCLUDING THE BUDGET)**

- 1.1 The procedure outlined in this paragraph of this Appendix may only be used –
- (a) for decisions in connection with the discharge of any executive function that a person or body seeking the exercise of that executive function considers:
 - (i) may be urgent; and
 - (ii) may be contrary to any adopted plan or strategy (including the budget) of the Council; and
 - (b) if in the opinion of the Chief Executive or in his absence a Corporate Manager:
 - (i) the decision is urgent;
 - (ii) is contrary to an adopted plan or strategy (including the budget) of the Council, and either:
 - (iii) it is impracticable to convene a quorate meeting of Full Council providing a minimum 5 days notice of the issue of the summons within the time available, before the decision in question must be made; or
 - (iv) the reason why the proposed decision is contrary to any adopted plan or strategy is not of such significance as to warrant the summoning of a meeting of Full Council.
- 1.2 Wherever the Chief Executive or Corporate Manager (as the case may be) is in any doubt whether or not the proposed decision is within an adopted plan or strategy of the Council for the purposes of this paragraph, he must consult the Monitoring Officer or, as applicable, the Chief Financial Officer before adopting the procedure outlined in the paragraph.
- 1.3 An urgent decision taken under this paragraph of this Appendix shall not be subject to the call-in procedure by the Overview and Scrutiny Committee, but that Committee may exercise scrutiny of the statement of reasons for the urgency of the decision and of the decision itself, after it has been taken.

Procedure

- 1.4 Where the Chief Executive or Corporate Manager (as the case may be) considers that the conditions set out in sub-paragraph 1.1 (b) are satisfied, he must notify the Leader, or in his absence the Deputy Leader or in his absence another member of the Executive.
- 1.5 If the Leader, Deputy Leader or other Member of the Executive, approves the use of this procedure, he shall notify the Chief Executive or Corporate Manager (as the case may be) of his approval together with his reasons.
- 1.6 On receiving a notification under sub-paragraph 1.5, the Chief Executive or Corporate Manager (as the case may be) shall notify the Chairman of the Overview and Scrutiny Committee, or if unable to act, the Chairman of Council, or if absent, the Vice-Chairman, and shall seek his determination as to whether the conditions identified in paragraph 1.1 (b) (i) and 1.1 (b) (iii) or 1.1 (b) (iv) above are satisfied.
- 1.7 If the Chairman of the Overview and Scrutiny Committee, or if unable to act, the Chairman of Council, or if absent, the Vice-Chairman, confirms to the Chief Executive or Corporate Manager (as the case may be) in writing that the proposed decision that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or 1.1 (b) (iv) is satisfied the Chief Executive or Corporate Manager (as the case may be) shall advise the Leader, Deputy Leader or other member of the Executive as the case may be, that the decision may be taken by a person or body possessing a relevant power to make such a decision.
- 1.8 Nothing in this Appendix shall allow an urgent decision to be taken by any person or body in relation to the budget unless it accords with the provisions contained in Appendix 4, delegation 9.
- 1.9 Where it is proposed:
 - (a) that an individual member or officer is to make an urgent decision that is also a key decision; and
 - (b) a report has been provided in relation to that decision that the decision maker intends to take into consideration before making the key decision,

then nothing in this section shall enable the decision to be taken otherwise than by the Executive or a Committee of the Executive (with relevant delegated power) unless both:

 - (c) that report has been available for public inspection for at least five clear days following its submission unless in the opinion of the Proper Officer it would be likely to result in the disclosure of confidential or exempt information, or the advice of a political adviser or assistant; and

- (d) where a report has been submitted with a view to it being considered then, as soon as is reasonably practicable, the report is also supplied to the Chairman of the Overview and Scrutiny Committee by the officer who submitted the report."

2. DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES AND CAN NOT BE INCLUDED IN THE FORWARD PLAN

2.1 The procedure outlined in this paragraph of this Appendix may only be used for proposed decisions in connection with the discharge of any part of a function which is the responsibility of the Executive, is a key decision, and where the Chief Executive or in his absence the Corporate Manager considers:

- (a) that the proposed decision is urgent;
- (b) is consistent with any relevant adopted plan and / or strategy (including the budget) of the Council; and
- (c) it would now be impracticable for the decision to be included in the Forward Plan.

2.2 An urgent decision taken under this paragraph of this Appendix shall not be subject to the call-in procedure by the Overview and Scrutiny Committee, but that Committee may exercise scrutiny of the statement of reasons for the urgency of the decision, and of the decision itself, after it has been taken.

Procedure

2.3 Where the Chief Executive or Corporate Manager (as the case may be) considers that the conditions set out in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it is impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.

2.4 On receiving a notification under sub-paragraph 2.3, and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall –

- (a) notify in writing the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the reasons for its urgency and the reasons for its being impracticable to include it in the Council's Forward Plan;
- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

2.5 Decisions to which sub-paragraph 2.4 applies shall not be made until after five working days have elapsed following publication of the

proposed decision under sub-paragraph 2.4(b).

2.6 Where it appears to the Chief Executive or Corporate Manager (as the case may be) that an urgent decision –

- (a) meets the requirements of sub-paragraph 2.1; and
- (b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from –

- (c) the Proper Officer; and
- (d) the Chairman of the Overview and Scrutiny Committee, or in his absence, the Chairman of the Council, or if there is no Chairman, the Vice-Chairman of the Council,

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation has been obtained.

2.7 Where it is proposed:

- (a) that an individual member or officer is to make an urgent decision that is also a key decision; and
- (b) a report has been provided in relation to that decision that the decision maker intends to take into consideration before making the key decision,

then nothing in this section shall enable the decision to be taken otherwise than by the Executive or a Committee of the Executive (with relevant delegated power) unless both:

- (c) that report has been available for public inspection for at least five clear days following its submission unless in the opinion of the Proper Officer it would be likely to result in the disclosure of confidential or exempt information, or the advice of a political adviser or assistant; and
- (d) where a report has been submitted with a view to it being considered then, as soon as is reasonably practicable, the report is also supplied to the Chairman of the Overview and Scrutiny Committee by the officer who submitted the report."

3. OTHER URGENT DECISIONS

3.1 The procedure outlined in this paragraph of this Appendix may only be used for a proposed decision in connection with the discharge of any executive function which the Chief Executive or in his absence a Corporate Manager considers:

- (a) is urgent and;
 - (b) is consistent with any relevant adopted plan and / or strategy (including the budget) of the Council; and
 - (c) is not a key decision; and
 - (d) needs to be taken within 5 working days.
- 3.2 An urgent decision taken under this paragraph of this Appendix shall not be subject to the call-in procedure by the Overview and Scrutiny Committee, but that Committee may exercise scrutiny of the statement of reasons for the urgency of the decision, and of the decision itself, after it has been taken.

Procedure

- 3.3 Where the Chief Executive or Corporate Manager (as the case may be) considers that the conditions set out in sub-paragraph 3.1 above are satisfied, he must notify the Proper Officer of the particulars of the proposed decision and, the reason why the decision is required to be taken within 5 working days.
- 3.4 On receiving a notification under sub-paragraph 3.3, the Proper Officer shall notify the Chairman of the Overview and Scrutiny Committee, or in his absence the Vice-Chairman of Overview and Scrutiny Committee, or in both their absences the Chairman of Council of the need for an urgent decision, and thereafter any person or body possessing a relevant power to make the decision may proceed to make the same.

4. REGISTER AND REPORTS

- 4.1 Having made a decision under paragraphs 1, 2 or 3 of this Appendix, the person or body who made the decision shall ensure that the Proper Officer within two working days or as soon as reasonably practicable thereafter and in accordance with the appropriate legislative provisions makes available to the public the decision, together with the reasons for it and the fact that the relevant member was notified and consent obtained where appropriate.
- 4.2 The Proper Officer shall maintain a register of decisions taken under paragraphs 1 and 2 with particulars of the decisions taken and the reasons for their urgency.
- 4.3 Where a decision has been made:
- (a) by a person or body under paragraph 1 of this Appendix then that person or body shall provide to the next available meeting of Full Council a report explaining the decision and reasons why it was urgent; or
 - (b) under paragraph 2 or 3 of this Appendix, then at quarterly intervals the Leader shall submit a report to the Council with particulars of each Executive decision taken during the preceding three months in accordance with either procedure.